

**MINUTES OF THE
CITY PLANNING COMMISSION
MAY 5, 2006
J. MARTIN GRIESEL CONFERENCE ROOM
TWO CENTENNIAL PLAZA – SUITE 700
805 CENTRAL AVENUE**

CALL TO ORDER

Mr. Faux called the meeting to order at 9:07 a.m.

Commission Members:

Present: Caleb Faux, James Tarbell, Jacqueline McCray and David Rager

Community Development and Planning Staff: Margaret Wuerstle, Bonnie Holman, Rodney Ringer, and Jennifer Walke

Law Department:

Julia Carney

APPROVAL OF MINUTES

Submission of the minutes from the April 21, 2006 Planning Commission meeting for approval.

Motion:	Ms. McCray moved approval of minutes.
Second:	Mr. Rager
Ayes:	Mr. Faux, Mr. Tarbell, Ms. McCray and Mr. Rager
Nays:	None, motion carried

CONSENT ITEMS

ITEM #1 A report and recommendation on authorizing the grant of a permanent easement within the Fifth Street right-of-way to Starwood Cincinnati CBBS I, LLC for the encroachment of a building, which interest is not needed for any municipal purpose.

Motion:	Ms. McCray moved approval of Consent Item #1.
Second:	Mr. Rager
Ayes:	Mr. Faux, Mr. Tarbell, Ms. McCray and Mr. Rager
Nays:	None, motion carried

DISCUSSION ITEMS

ITEM #2 A proposed text amendment for chapter §1409-15 Truck Docks; Loading and Service Areas.

Mr. Rodney Ringer, Senior Planner and Ms. Margaret Wuerstle, Chief Planner, presented this item.

PROPOSED TEXT AMENDMENT:

§ 1409-15. Truck Docks; Loading and Service Areas.

Truck docks, loading and service areas are not permitted within ~~50~~ 100 feet of residential district boundaries and are not permitted to be used between 10 PM and 7 AM on weekdays and between 11 PM and 7 AM on weekends. These facilities must be located at the side of buildings or in the rear of the site and screened so as not to be visible from residential districts. Where a building abuts a residential district, the ~~preferred~~ location of these facilities is the side away from the district boundary, unless a conditional use is obtained pursuant to the procedures and criteria of Chapter 1445, Variances, Special Exceptions and Conditional Uses.

JUSTIFICATION:

Staff presented a report to the CPC regarding these items on December 16, 2005. Staff was given the direction to work with the Law Department to address concerns raised at the CPC meeting. At a meeting held on January 20, 2006 with the Law Department the language was revised to increase the distance between the truck docks; loading and service areas and the residential district boundaries. The new distance will give residential properties a greater buffer from adjacent commercial loading areas.

RECOMMENDATION:

The Department of Community Development and Planning staff recommends that the City Planning Commission approve the requested text amendments listed for Chapter 1409-15 Truck Docks; Loading and Service Areas Regulations of the City of Cincinnati Zoning Code.

DISCUSSION

Rodney Ringer, Senior Planner, gave an overview of the proposed changes to the text amendment. Ms. Wuerstle stated that this item had been presented to the Planning Commission in the past as part of the commercial packet and had been held for further discussion. As a result of the discussion, it was determined that 100 feet was appropriate. In addition, the word “preferred” was removed and conditional use clause was inserted. Ms. Wuerstle explained that the term “preferred location” did not have a definite meaning and the conditional use option would provide the flexibility originally intended.

Motion:	Ms. McCray moved approval of the staff recommendations.
Second:	Mr. Tarbell
Ayes:	Mr. Faux, Mr. Tarbell, Ms. McCray and Mr. Rager
Nays:	None, motion carried

ADDITIONAL BUSINESS

Ms. Gerry Kraus, North Avondale Neighborhood Association, stated that she wanted to speak to the Planning Commission regarding public notice. She said that in the new code, all decisions made by the Building and Inspections Department are subject to appeal. She stated that citizens lose their right to appeal a decision if they are not notified in a timely manner or at all. Ms. Kraus requested that the Planning Commission put language in the zoning code to enable implementation of public notice when a decision regarding a change in use has been made.

Mr. Faux commented that notification for every decision that the Building and Inspections Department makes would place an onerous burden on the City.

Ms. Kraus suggested that notification of adjacent property owners would be a reasonable compromise.

Mr. Faux stated that the Planning Commission would take the issue under advisement.

Mr. Faux read a letter from Mr. Ronald Miller, Executive Director of the Regional Planning Commission (RPC), stating Mr. Tarbell's membership on the RPC had expired on March 6, 2006. Mr. Faux asked Mr. Tarbell if he would continue serving on the RPC and he agreed.

Motion: Ms. McCray moved to certify Mr. Tarbell to the Regional Planning Commission.
Second: Mr. Rager
Ayes: Mr. Faux, Mr. Tarbell, Ms. McCray and Mr. Rager
Nays: None, motion carried

Mr. Tarbell asked Ms. Wuerstle to arrange a meeting with Mayor Mallory and members of the Commission to discuss candidates for the vacancies on the City Planning Commission.

The By-Leave Item regarding the proposal to change the Hamilton County Regional Planning Commission into a County Planning Commission was held until the next Planning Commission Meeting on May 19, 2006. Mr. Rager asked that Ronald Miller receive a request to speak at the next meeting to present this item.

The Commission members agreed that Ms. Terry Hankner would be honored for her 18 years of service on the City Planning Commission at the May 19th meeting or the next meeting she would be able to attend. Ms. Wuerstle agreed to make arrangements for the celebration and send an announcement to everyone on the mailing lists.

ADJOURN

Motion: Mr. Rager motioned to adjourn.
Second: Mr. Tarbell
Ayes: Mr. Faux, Mr. Tarbell, Ms. McCray and Mr. Rager
Nays: None, motion carried

Margaret A. Wuerstle, AICP
Chief Planner

Caleb Faux, Chair

Date: _____

Date: _____